

Notice of Allowability

Application No.

10/734,380

Examiner

Janis L. Dote

Applicant(s)

MISHRA ET AL.

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/28/05.
2. ☒ The allowed claim(s) is/are 1-9 and 21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>12/12/03-corrected</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on Nov. 28, 2005, has been entered.

2. The examiner acknowledges the amendments to claims 1, 5, 6, 8, and 21 set forth in the amendment filed on Nov. 28, 2005. Claims 1-9 and 21 are pending.

3. The amendment filed on Nov. 28, 2005, deleted the paragraph on page 1 between the title and the background, which comprises applicants' statement of claiming priority to US provisional application serial no. 60/433,886, filed on Dec. 16, 2002.

Accordingly, applicants have constructively removed the instant application's claim for the benefit of the prior-filed application under 35 U.S.C. 119(e).

4. The examiner did not initial the reference US 4,439,507 (Pan et al.) listed on the form PTO-1449 filed on Dec. 12, 2003.

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A copy of the corrected form PTO-1449 is attached to this office action.

REASONS FOR ALLOWANCE

5. The following is an examiner's statement of reasons for allowance:

The objections to the specification set forth in the office action mailed on Aug. 30, 2005, paragraph 7, has been withdrawn in response to the amended paragraphs beginning at page 7, line 9, page 19, line 18, page 25, line 6, and page 31, line 14, of the specification, set forth in the amendment filed on Nov. 28, 2005.

The objections to claims 1 and 21 set forth in the office action mailed on Aug. 30, 2005, paragraph 9, have been withdrawn in response to the amendments to claims 1 and 21 set forth in the amendment filed on Nov. 28, 2005.

The rejection of claim 8 under 35 U.S.C. 112, second paragraph, set forth in the office action mailed on Aug. 30, 2005, paragraph 11, has been withdrawn in response to the amendment to claim 8 set forth in the amendment filed on Nov. 28, 2005.

The rejection of claims 1-9 and 21 under 35 U.S.C. 112, first paragraph, set forth in the office action mailed on Aug. 30, 2005, paragraph 13, has been withdrawn in response to

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the amendments to claims 1 and 21 set forth in the amendment filed on Nov. 28, 2005.

Claims 1-9 and 21 are allowable over the prior art of record.

The prior art of record does not teach or suggest the imaging member comprising a first charge transport layer and a second charge transport layer recited in instant claims 1 and 21. As discussed in the office action mailed on Dec. 8, 2004, paragraphs 17 and 20, US 5,401,615 (Pai'615) and US 2002/0106570 A1 (Kami) each teach an electrophotographic imaging member comprising a first charge transport layer and a second charge transport layer. The first charge transport layer disclosed in both references meets the limitation of the first charge transport layer recited in instant claims 1 and 21. See Pai'615, example III at col. 15; and Kami, example 20 in paragraphs 0503 and 0504. The second charge transport layer disclosed in both references meets the second charge transport layer limitations recited in instant claims 1 and 21, but for the presence of the particular stilbene compound of Formula (II) recited in instant claims 1 and 21. Neither Pai'615 nor Kami teaches or suggests the charge transport compounds represented by Formula II recited in the instant claims. Nor does the other prior art of record teach or suggest the charge transport

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compounds represented by Formula II recited in the instant claims. In particular, US 6,338,927 B1 (Inagaki) teaches charge transferring asymmetric diamine stilbene compounds that meet the chemical structure of Formula II but for the presence of halogen substituents. See Inagaki, formula (1) at col. 2, lines 29-61; formula (9) at col. 11, line 44, to col. 12, line 49; and compound I-20 and I-21 in Table 1 at col. 13. Compounds I-20 and I-21 comprise two $-\text{CH}=\text{CH}-$ groups, where one of the groups is ortho (i.e., 2-) substituted on the phenylene group bonded to the nitrogen atom in one of the triphenylamino groups, and the other $-\text{CH}=\text{CH}-$ group is para (i.e., 4-) substituted on the phenylene group bonded to the nitrogen in the second triphenylamino group. Inagaki teaches that the substituent groups R^1 to R^{24} in formula (1) and the substituent groups R^1 to R^{24} in formula (9) represent "an optionally substituted alkyl group, an optionally substituted alkoxy group, an optionally substituted aryl, an optionally substituted aralkyl group, a hydrogen atom, or a nitro group." Col. 2, lines 51-55. Inagaki does not teach or suggest that at least one of the groups R^1 to R^{24} in formulas (1) and (9) is halogen as recited in instant claims 1 and 21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to

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avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The central fax phone number is (571) 203-8300.

Any inquiry regarding papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLD
Dec. 6, 2005


JANIS L. DOTE
PRIMARY EXAMINER
GROUP 1599
1700